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Westy's name was already clouded: CBS

NEW YORK (UPI) — Gen. William Westmoreland testified yesterday he did not know of several news reports that criticized his conduct in the Vietnam War before CBS aired a documentary that he says "humiliated" him.

CBS attorney David Boies offered as evidence articles from several publications to show the retired general's reputation was blemished before the 1982 broadcast of "The Uncounted Enemy: A Vietnam Deception."

Gen. Westmoreland is suing the network for \$120 million, claiming the documentary falsely reported he downplayed enemy troop strength so that President Johnson would authorize a bigger American force in South Vietnam.

Judge Pierre Leval ruled the articles could be admitted for use in determining the amount of damages Gen. Westmoreland should be given should the jury rule the CBS documentary hurt his reputation.

The retired general's attorney, Dan

Burt, objected to entering some of the evidence. He said it was not known whether CBS and the other defendants were aware of the articles in preparing the documentary.

Mr. Boies said he would produce evidence later to show CBS was aware of the articles, which appeared in the Washington Post, The New York Times and the New York Daily News, Time magazine and a book by former South Vietnamese Prime Minister Nguyen Cao Ky.

The retired general conceded he took no legal action against any of the publications.

Mr. Boies then asked Gen. Westmoreland about an unreleased congressional report, part of which was published in the Village Voice, that dealt with a May 1967 briefing by Col. Gaines Hawkins.

In the briefing, according to the report, Col. Hawkins told Gen. Westmoreland the number of enemy troops had increased over earlier estimates. He said he later lowered those estimates and told CBS in the documentary, "I participated in a coverup."

"I was afraid it would be misunderstood by people not familiar with intelligence and components of the Order of Battle [estimate of enemy strength]," Gen. Westmoreland said. "That was my state of mind."